

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE:
NIASPAN ANTITRUST LITIGATION**

MDL NO. 2460

**THIS DOCUMENT RELATES TO:
ALL ACTIONS**

MASTER FILE NO. 13-MD-2460

ORDER

AND NOW, this 2nd day of June, 2020, upon consideration of End-Payor Plaintiffs' Motion for Class Certification (Document No. 578, filed December 19, 2018), Defendants' Opposition to End-Payor Plaintiffs' Motion for Class Certification (Document Nos. 601 & 608, filed February 25, 2019), Defendants' Appendices of State Laws in Support of Defendants' Opposition to End-Payor Plaintiffs' Motion for Class Certification (Document No. 602, filed February 25, 2019), Reply Memorandum of Law in Support of End-Payor Plaintiffs' Motion for Class Certification (Document No. 628, filed March 25, 2019), Defendants' Motion to Exclude the Expert Testimony of Laura Craft and Eric Miller Offered in Support of End-Payor Plaintiffs' Motion for Class Certification (Document Nos. 603 & 609, filed February 25, 2019), Declaration of Jeffrey Y. Wu in Support of Defendants' Opposition to End Payor Plaintiffs' Motion for Class Certification and Defendants' Motion to Exclude the Expert Testimony of Laura Craft and Eric Miller (Document Nos. 605 & 610, filed February 25, 2019), End-Payor Plaintiffs' Opposition to Defendants' Motion to Exclude the Expert Testimony of Laura Craft and Eric Miller (Document No. 627, filed March 25, 2019), End-Payor Plaintiffs' Motion to Exclude the Opinions and Testimony of John F. Fritz (Document No. 626, filed March 25, 2019), Defendants' Opposition to End-Payor Plaintiffs' Motion to Exclude the Opinions and Testimony of John F. Fritz (Document Nos. 630 & 631, filed April 8, 2019), and the parties' Notices of Supplemental Authority and responses (Document Nos. 691, 695, 704, 705, 706, 707), and following Hearings

on May 14 and 15, 2019, and July 23, 2019, for the reasons stated in the accompanying Memorandum dated June 2, 2020, **IT IS ORDERED** as follows:

1. Defendants' Motion to Exclude the Expert Testimony of Laura Craft and Eric Miller Offered in Support of End-Payor Plaintiffs' Motion for Class Certification is **DENIED**;

2. End-Payor Plaintiffs' Motion for Class Certification is **DENIED WITHOUT PREJUDICE** to their right to file an amended motion if warranted by the facts and applicable law as set forth in the Memorandum dated June 2, 2020; and

3. End-Payor Plaintiffs' Motion to Exclude the Opinions and Testimony of John F. Fritz is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that, on or before June 16, 2020, the parties shall submit a proposed schedule for further proceedings through the filing of Motions for Summary Judgment and responses. The Court will thereafter conduct a telephone conference to address scheduling.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.